

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CAPITAL ONE, NATIONAL ASSOCIATION,

Plaintiff,

-against -

KINPIT ASSOCIATES L. P. f/k/a KINPIT  
ASSOCIATES, ET AL.,

Defendants.  
-----X

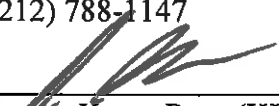
**NOTICE OF APPEARANCE**

**Index No. 12CV01573**

**PLEASE TAKE NOTICE**, that The City of New York, on behalf of the defendant named herein as New York City Bureau of Highway Operations, hereby appears in the above entitled action and waives service of all papers and notice of all proceedings in said action, except amended pleadings, notices of settlement of judgments and orders, notices of entry of judgments and orders, notices of application for discontinuance of the action, referee reports, and all surplus money proceedings.

Dated: New York, New York  
May 2, 2012

MICHAEL A. CARDOZO  
Corporation Counsel of The City of New York  
Attorney for The City of New York  
100 Church Street, Room 3-106  
New York, New York 10007  
(212) 788-1147

  
\_\_\_\_\_  
By: Karen Ross (KR-6445)  
Senior Counsel

## AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK )


COUNTY OF NEW YORK ) : SS:

Michael Fisher, an employee in the New York City Law Department, over the age of 18, and not a party to the action herein, being duly sworn, deposes and says: On **May 3, 2012**, I served a true and complete copy of the within~

### NOTICE OF APPEARANCE

by mail upon the Attorney(s) for Plaintiff(s) by personally depositing a copy of the same, enclosed in a first class postpaid properly addressed wrapper into an official depository of the United States Postal Service at 100 Church Street, in the Borough of Manhattan, City of New York, within the State of New York, and directed to Attorney(s) for Plaintiff(s) at the address listed below, said address being designated by them for that purpose:

**Schiff Hardin LLP**  
**Attorneys for Plaintiff**  
**Thomas P. Battisoni**  
**666 Fifth Avenue / 17<sup>th</sup> Flr**  
**New York, NY 10103**

  
**Michael Fisher**

Sworn to before me, this  
3<sup>rd</sup> Day of May, 2012

  
**NOTARY PUBLIC**

**KAMMAE OWENS**  
Notary Public, State of New York  
No. 01OW6224603  
Qualified in Kings County  
Commission Expires July 06, 2014

2011240

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MICHAEL A CARDOZO Corporation Counsel of The City of New York Attorney for The City of New York 100 Church Street, Room 3-106 New York, New York 10007 Of Counsel: Karen Ross Tel: (212) 788-1147 LM No. 2012-0	
Due and timely service is hereby admitted.	
New York, N.Y. ....	2012
.....	Esq.
Attorney for .....	